

### **REMARKS**

The allowance of claim 11 by the Examiner is gratefully acknowledged. As a result of that allowance, claims 1-11 stand allowed, and claim 12 stands rejected under 35 USC § 102 as being anticipated by Reese.

It is respectfully submitted that claim 12 contains features that are not disclosed in or suggested by the Reese reference. As was stated in the Amendment filed on September 25, 2003, in the window art, a frame being made of "profile material" means that the frame is made from individual members connected to one another. It does not mean that the frame is made of one piece. In addition to the profiles disclosed and illustrated in the present application, internet pages showing other, commercially available profiles in the window art were submitted. As was stated in the previous Amendment, the expression "profile material" of claim 12 does not include the structure of the frame of Reese, because that frame is made in one piece.

In the "Response to Arguments" in the final Office Action, the Examiner characterized one of the comments in the applicants' previous amendment as arguing that the "profile material" claimed is comprised of various components. However, the applicants did not make that argument. Instead, the applicants argued that the frame of the present invention is comprised of various components. As can be appreciated from the various profiles mentioned above, profile material is one piece. Thus, each of the components, or members, of the frame is made of one piece. Because claim 12 has the requirement that "said window frame is made of profile

material", it inherently requires that the frame be made from individual members connected to one another. Thus, the frame of claim 12 is made of a plurality of members, and each of the members is one piece. As was stated above, the entire Reese window frame, sash B, is made of one piece.

Claim 12 also calls for the profile material to have a substantially L-shaped cross-section. The Examiner has arbitrarily divided structures of the prior art in order to satisfy a claim limitation. With the "L-shaped" limitation of claim 12 in mind, he can visualize the cross-section of the element B of Reese as having an L-shape and something else (another L-shape). It can be seen that the portion 17 of the element A of Reese has an L-shaped cross-section, whereas the rest of A does not. The rest of element A might be considered to have a U-shaped cross-section, but if one of the legs 16 or 20 of that U were omitted from consideration, that other portion of element A might be considered to be L-shaped in cross-section. The member B of Reese might also be considered to be I-shaped, with an extra portion extending in one direction from one end of the I and another extra portion extending in the opposite direction from the other end of the I. However, all of the examples above have in common that none of them discloses a cross-section having, even generally, the shape of letter mentioned. Furthermore, there is nothing in the prior art that suggest dividing the cross-section of elements B or A of Reese to have an L-shaped cross-section. The present application provides the only suggestion. The recitation of the window frame being made of profile material having substantially L-shaped section is

Application No. 09/803,668  
Amendment dated March 9, 2004  
Reply to Office Action January 20, 2004

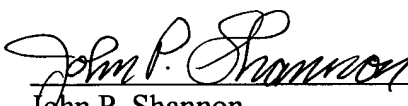
understood to mean the profile material as a whole, rather than an arbitrarily selected portion of the profile material. If those having ordinary skill in the art had asked an assistant for a "profile material having substantially L-shaped cross-section" and received, in response, either member B or member A of Reese, they would be greatly surprised. Thus, Reese does not disclose to those having ordinary skill in the art the feature of claim 12 of window frame made of a "profile material having substantially L-shaped cross section". The applicants have come up with a roof window assembly that is new and unobvious from the disclosure of Reese.

In view of the foregoing, it is submitted that claim 12 is also allowable.

An early notice to that effect is earnestly requested.

Respectfully submitted,

Date: March 9, 2004

  
\_\_\_\_\_  
John P. Shannon  
Registration No. 29,276  
VENABLE  
P.O. Box 34385  
Washington, D.C. 20043-9998  
Telephone: (202) 344-4000  
Telefax: (202) 344-8300